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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 DANIEL LEE RHEES,

12 Defendant.

2:23-CR-017-APG-NJK

Preliminary Order of Forfeiture

13 This Court finds Daniel Lee Rhees pled guilty to Counts One and Two of a Two-
14 Count Criminal Information charging him in Count One with sexual exploitation of
15 children in violation of 18 U.S.C. § 2251(a) and in Count Two with possession of child
16 pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). Criminal Information, ECF No.
17 32; Arraignment & Plea, ECF No. 35; Plea Agreement, ECF No. 34.

18 This Court finds Daniel Lee Rhees agreed to the forfeiture of the property set forth in
19 the Plea Agreement and the Forfeiture Allegation of the Criminal Information. Criminal
20 Information, ECF No. 32; Arraignment & Plea, ECF No. 35; Plea Agreement, ECF No. 34.

21 This Court finds, under Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of
22 America has shown the requisite nexus between property set forth in the Plea Agreement
23 and the Forfeiture Allegation of the Criminal Information and the offenses to which Daniel
24 Lee Rhees pled guilty.

25 The following property is (1) any visual depiction described in 18 U.S.C. §§ 2251 and
26 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains
27 any such visual depiction, which was produced, transported, mailed, shipped or received in
28 violation of 18 U.S.C. §§ 2251(a) and 2252A(a)(5)(B); and (2) any property, real or personal,

1 used or intended to be used to commit or to promote the commission of 18 U.S.C. §§
2 2251(a) and 2252A(a)(5)(B) or any property traceable to such property and is subject to
3 forfeiture under 18 U.S.C. § 2253(a)(1) and 2253(a)(3):

- 4 1. a Mac Book Laptop, bearing serial number C02550KYG8WM;
 - 5 2. a Nokia 32GB cell phone, bearing serial number 359001090443529;
 - 6 3. a Western Digital hard drive, bearing serial number WCASYF443790; and
 - 7 4. an Apple iPhone, bearing IMEI number 357348091617532
- 8 (all of which constitutes property).

9 This Court finds that on the government's motion, the Court may at any time enter
10 an order of forfeiture or amend an existing order of forfeiture to include subsequently
11 located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

12 This Court finds the United States of America is now entitled to, and should, reduce
13 the aforementioned property to the possession of the United States of America.

14 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
15 DECREED that the United States of America should seize the aforementioned property.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
17 rights, ownership rights, and all rights, titles, and interests of Daniel Lee Rhees in the
18 aforementioned property are forfeited and are vested in the United States of America and
19 shall be safely held by the United States of America until further order of the Court.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
21 of America shall publish for at least thirty (30) consecutive days on the official internet
22 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
23 describe the forfeited property, state the times under the applicable statute when a petition
24 contesting the forfeiture must be filed, and state the name and contact information for the
25 government attorney to be served with the petition, under Fed. R. Crim. P. 32.2(b)(6).
26 Notice is served on any individual or entity on the date when it is placed in the mail,
27 delivered to a commercial carrier, or sent by electronic mail under Fed. R. Crim. P.
28 32.2(b)(6)(D) and Supplemental Rule G4(b)(i) and (iv).

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
 2 or entity who claims an interest in the forfeited property must file a petition for a hearing to
 3 adjudicate the validity of the petitioner's alleged interest in the property under 21 U.S.C. §
 4 853(n)(2), which petition shall be signed by the petitioner under penalty of perjury under 21
 5 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the
 6 petitioner's right, title, or interest in the property, the time and circumstances of the
 7 petitioner's acquisition of the right, title or interest in the property, any additional facts
 8 supporting the petitioner's claim, and the relief sought.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
 10 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
 11 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
 12 not sent, no later than sixty (60) days after the first day of the publication on the official
 13 internet government forfeiture site, www.forfeiture.gov, whichever is earlier.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
 15 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
 16 Attorney's Office at the following address at the time of filing:

17 Daniel D. Hollingsworth
 18 Assistant United States Attorney
 19 Misty L. Dante
 20 Assistant United States Attorney
 501 Las Vegas Boulevard South, Suite 1100
 Las Vegas, Nevada 89101.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
 22 described herein need not be published in the event a Declaration of Forfeiture is issued by
 23 the appropriate agency following publication of notice of seizure and intent to
 24 administratively forfeit the above-described property.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record.

3 DATED May 4, 2023.

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6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE
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